

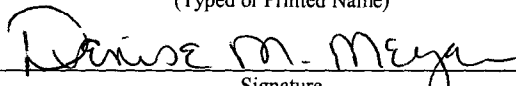
TTAB

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:  
Assistant Commissioner For Trademarks,  
BOX TTAB NO FEE, 2900 Crystal Drive, Arlington, VA 22202-3513 on this 30<sup>th</sup> day of October, 2002.

Denise Meyer

(Typed or Printed Name)

  
Signature

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In Re Trademark Application of : FRESH EXPRESS  
Serial No. : 76/370,772  
Filed : February 13, 2002  
Mark : SNACKERS  
Published : July 30, 2002  
International Classes : 029  
Attorney Docket : 26416/04790



11-01-2002

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #64

**REQUEST FOR THIRD EXTENSION OF TIME TO FILE  
OPPOSITION PURSUANT TO 37 C.F.R. §2.102**

Assistant Commissioner For Trademarks  
BOX TTAB NO FEE  
2900 Crystal Drive  
Arlington, VA 22202-3513

Dear Madam:

At this time, The J. M. Smucker Company, an Ohio corporation with a place of business at Strawberry Lane, Orrville, Ohio 44667-0280 (the "Potential Opposer"), believes that it would be damaged by the registration of the above-identified mark. The Potential Opposer hereby requests that the time for filing an opposition against the above-identified application, now set to

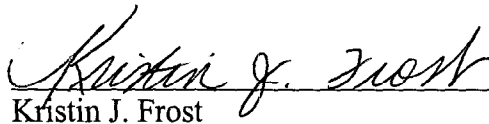
expire on October 30, 2002, be extended for a period of thirty (30) days, to and including November 29, 2002. The additional time is necessary for Potential Opposer to investigate this matter, to gather sufficient evidence, contact Applicant and to prepare and file a Notice of Opposition.

This is Potential Opposer's third request for an extension of time with respect to the above-identified application and will not result in an extension of time for filing an opposition aggregating more than 120 days from the date of publication. This request is not submitted for the purpose of mere delay.

This request is submitted in triplicate in accordance with 37 C.F.R. §2.102(d).

Respectfully submitted,

Date: October 30, 2002

  
Kristin J. Frost

**CALFEE, HALTER & GRISWOLD LLP**  
1400 McDonald Investment Center  
800 Superior Avenue  
Cleveland, Ohio 44114-2688  
(216) 622-8895

Counsel for Potential Opposer



**CALFEE, HALTER & GRISWOLD LLP**

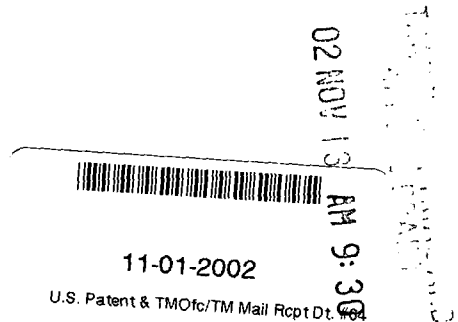
ATTORNEYS AT LAW

Cleveland

Direct Dial No. 216/622-8895

email: kfrost@calfee.com

October 30, 2002



Assistant Commissioner for Trademarks  
BOX TTAB NO FEE  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Re: Trademark Application of FRESH EXPRESS  
Mark: SNACKERS  
Serial No.: 76/370,772  
Filed: February 13, 2002  
Our File No.: 26416/04790

Dear Sir or Madam:

Enclosed please find the following documents:

1. Request for Extension of Time to Oppose Pursuant to 37 C.F.R. § 2.102 (2 pgs, in triplicate);
2. Original and one (1) copy of this Transmittal Letter (1 pg); and
3. Return Receipt Postcard.

We believe there are no fees required for this filing. If this is not the case, please charge any fees or credit any overpayment to our Deposit Account No. 03-0172. A duplicate of this letter is enclosed for accounting purposes.

Very truly yours,

Kristin J. Frost

KJF/dmm  
Enclosures